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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91226174
Party	Plaintiff Newland Machine Tool Group Inc.
Correspondence Address	Joshua M. Gerben, Esq. Gerben Law Firm, PLLC 1050 Connecticut Ave NWSuite 500 Washington, DC 20036 UNITED STATES jgerben@gerbenlawfirm.com
Submission	Motion for Default Judgment
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Date	03/21/2016
Attachments	Newland_Motion for Default Judgment_Opposition.pdf(231485 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Newland Machine Tool Group Inc.

Opposer,

v.

Ju- Chuan Chien,

Applicant,

Opposition No.: 91226174

Mark: NEWLAND

Application Serial No: 86514854

MOTION FOR DEFAULT JUDGMENT FOR FAILURE TO FILE ANSWER

Opposer, pursuant to 37 C.F.R. § 2.106(a) and Section 312 of the Trademark Trial and Appeal Board Manual of Procedure, moves for default judgment in that the Applicant has failed to file an Answer to the Notice of Opposition. As further grounds in support of this Motion it is stated:

1. This Notice of Opposition was filed on February 4, 2016 by the Opposer on the grounds that Applicant's mark was likely to be confused with Opposer's senior mark.
2. On February 4, 2016, the Trademark Trial and Appeal Board issued a notice of the trial dates to Applicant, indicating that an answer was due within forty days of the date of mailing (*i.e.* March 15, 2016). In addition, discovery and testimony dates were set, with discovery scheduled to close October 11, 2016.
3. As of this date, the Opposer has not been served with an Answer and a check of the Trademark Trial and Appeal Board database indicates that no Answer has yet been filed.
4. 37 C.F.R. Section 2.106(a) states that if no Answer is filed within the time set, the Notice may be decided as in case of default. Section 312.01 of the TBMP states that if no Answer is filed the Opposer may file a Motion for Default Judgment.

5. Inasmuch as the Applicant has not answered the Notice of Opposition, Opposer would move that default judgment be entered in its favor and that Application No. 86514854 be denied.

Dated: March 21, 2016

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Gerben', with a stylized flourish at the end.

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CERTIFICATE OF SERVICE

I hereby certify that on March 21, 2016, a true and correct copy of the foregoing MOTION FOR DEFAULT JUDGMENT FOR FAILURE TO FILE ANSWER is being served by certified mail, return receipt requested on Applicant, as shown in the correspondence record in the Office, as follows:

RAPHAEL GUTIÉRREZ
Jackson Intellectual Property Group Pllc
106 Starvale Ln
Shipman, VA 22971-2119

Dated: March 21, 2016



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